

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD UNIVERSITY,

Plaintiff-Counterclaim Defendant,

- against -

LARRY BORDERS and
VIRGINIA BORDERS,

*Defendants-Counterclaim
Plaintiffs,*

CENTRALIA MADONNA,
A DRAWING,

Defendant-in-rem.

No. 20-CV-4716 (LJL)

**STIPULATION OF VOLUNTARY
DISMISSAL OF DEFENDANTS'
SECOND AND THIRD
COUNTERCLAIMS**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Counterclaim Defendant Howard University (the “University”) and Defendants and Counterclaim Plaintiffs Larry Borders and Virginia Borders (the “Borders”), through their respective counsel as set forth below, that:

- 1) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Borders hereby voluntarily dismiss without prejudice the Second and Third Counterclaims that were filed as part of their Answer and Counterclaims (ECF No. 6);
- 2) In light of the Borders’ voluntary dismissal of the Second and Third Counterclaims, Howard University’s Motion to Dismiss Defendants’ Second and Third Counterclaims and its Memorandum of Law in Support of Its Partial Motion to Dismiss (ECF Nos. 13-14) are hereby withdrawn as moot, without prejudice to renewal in the event the Borders ever seek to revive the Second and Third Counterclaims;

- 3) The University shall file its answer to the remaining allegations and Counterclaim in this action on or before July 30, 2020;
- 4) This Stipulation and Order may be executed in counterparts and exchanged via facsimile or electronic mail, and the facsimile or electronic copy of this Stipulation may be filed with the Court in lieu of the original; and
- 5) An executed faxed or scanned copy of this Stipulation and Order shall be deemed the same as a signed original.

Dated: July 16, 2020

OLSOFF | CAHILL | COSSU LLP

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*Attorneys for Larry Borders and Virginia
Borders*

Attorneys for Howard University

SO ORDERED.



LEWIS J. LIMAN
United States District Judge

July 17, 2020

Accordingly, Plaintiff's motion to dismiss the second and third counterclaims is denied as moot. The Clerk of Court is directed to close Dkt. No. 13.